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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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TOWN & COUNTRY LINEN, CORP.,

Plaintiff,

- against -

P/KAUFMANN, INC.,

Defendant.
----- x

MEMO ENDORSED

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 7/27/07

(ECF Case -- Filed Electronically)

Case No.: 07 CV 3159 - MGC

NOTICE OF MOTION

PLEASE TAKE NOTICE, that upon the Affirmation of Michael S. Fischman, dated June 1, 2007, the exhibits annexed thereto, the accompanying Memorandum of Law, dated June 1, 2007, defendant P/Kaufmann, Inc., by its attorneys Phillips Nizer LLP, will move this Court at the United States District Court for the Southern District of New York, 500 Pearl Street, New York, New York 10007-581 before the Honorable Miriam Goldman Cedarbaum, United States District Judge for the Southern District of New York, for an Order (1) dismissing the action in its entirety for lack of subject matter jurisdiction pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure, and (2) to the extent that the Court finds that it has subject matter jurisdiction, dismissing Counts I, III, IV, and V of the Town and Country Linen Corp. ("T&C") Complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure for failure to state claims upon

Motion denied as moot. Case has been dismissed.
So ordered. 5/
1007404.1 July 25, 2007 United States District Judge